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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,221	03/05/2001	Carlos Van Alboom	M0459/7019 (DW)	9698
23628	7590	04/06/2004	EXAMINER	
WOLF GREENFIELD & SACKS, PC FEDERAL RESERVE PLAZA 600 ATLANTIC AVENUE BOSTON, MA 02210-2211			JUSKA, CHERYL ANN	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**SUPPLEMENTAL**  
**Office Action Summary**

Application No.

09/800,221

Applicant(s)

ALBOOM ET AL.

Examiner

Cheryl Juska

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on (Interview) 03/16/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-12 and 14-21 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed November 28, 2003, has been entered. Claim 2 has been amended as requested. The pending claims are 1-21.
2. Applicant's arguments with respect to the 112, 1<sup>st</sup> rejections set forth in sections 4 and 5 of the last Office Action have been found persuasive. Specifically, the specification discloses at least one method for making the invention that bears a reasonable correlation to the scope of the claims. Additionally, one of ordinary skill in the art would not require undue experimentation to make the entire scope of the claims. Thus, said rejections are hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 2, 5-12, 14, and 17-19 stand rejected under 35 USC 103(a) as being unpatentable over US 3,922,404 issued to Priester in view of EP 581 514 issued to McMulloch, for the reasons of record.
5. Claims 15, 16, and 20 stand rejected under 35 USC 103(a) as being unpatentable over the cited Priester and McMulloch references and in further view of US 3,681,946 issued to Fleissner, for the reasons of record.

***Allowable Subject Matter***

6. Claims 3, 4, and 13 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach a method of making a printed flocked fabric comprising the steps of washing the fabric at alternately low and high temperatures within the range of 20-90°C to reorient said flock fibers into random groups, drying the fabric, and printing said fabric.

***Response to Arguments***

7. Applicant's arguments filed with the amendment of November 28, 2003, have been fully considered but they are not persuasive.

8. Specifically, applicant traverses the above prior art rejections by arguing that Priester cannot teach the step of removing from a wash chamber greiged goods having the claimed random reorientation. In response, it is reiterated that Priester's invention includes the step of dyeing or wetting the fabric in a Beck or other dyeing machine, followed by the steps of removing the wetted fabric from the machine. Additionally, it is reiterated that the liquid from dyeing or wetting the fabric in a Beck or other dyeing machine meets the present claim limitation of "sufficient conditions" for reorientation of flock. As such, the fabric of Priester, upon removal from said dyeing machine, will inherently have a randomly reoriented flock. Said reorientation may not be permanent. However, applicant's claims do not require permanence. Said claims are method claims which do not limit the structure of the final printed flocked pile fabric to having

Art Unit: 1771

said reoriented flock fibers. Furthermore, the open claim language of the present method claims does not exclude the present of other steps, such as Priester's balling up and crushing step.

9. With respect to the rejection based upon Fleissner, applicant argues that the reference teaches non-equivalence of the fabric forms (i.e., rope, tube, and open-width). In response, it is first stated that, generically, said fabric forms are equivalent forms for fabric dyeing, even though said forms may require a different apparatus. Secondly, it is reiterated that the invention of Fleissner, specifically, renders the fabric forms equivalent with the same apparatus. Thus, Applicant's arguments are unpersuasive and the above 103 rejections are maintained.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the

Art Unit: 1771

examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHERYL A. JUSKA  
PRIMARY EXAMINER

cj

March 16, 2004